

REMARKS

The office action of August 8, 2005, has been carefully considered.

It is noted that the disclosure is objected to for containing various informalities.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph.

In view of the Examiner's objection to the disclosure, applicant has amended the specification to include headings.

Furthermore, with the present changes it is respectfully submitted that the objection to the disclosure is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has amended claims 1, 6 and 7.

It is respectfully submitted that the claims now on file contain subject matter which is sufficiently described in the specification so as to enable one skilled in the art to make and/or use the invention. Applicant has amended the claims and the specification in an effort to address the Examiner's concerns. The shears 3 are made up of a number of components, including a U-shaped frame 20 having arms 22, 29. The shears further have a drive apparatus 8. The arm 22, at its free end not connected to the frame 20, is provided with a securing element 6 while the lower arm 29 at its free end has a second securing element 6'. Both holding elements 6, 6' serve to hold blade holders 4, 4' of the shears 3. The shears 3, along with all of its named components, is movable transverse to the rolling direction with the aid of a drive 10 and a drive carriage 9 that moves on rails. The shears are thus movable into and out of the rolling line.

So that the shears are movable transverse to the rolling direction, it is necessary as a basic feature that the securing elements 6, 6' are not connected to each other in order to permit the slab material to pass between the securing elements 6, 6' when the shears are moved transversely to the rolling direction. Therefore, in all of the drawing figures the securing elements 6, 6' are not shown connected to each other.

In order to insure a dependable operation of the shears it is necessary that both arms of the frame 20 are not only on the drive side of the shears but also are connected together on the side of the securing elements in a form-fit and frictional connection. To accomplish this, the presently claimed invention provides a clamping element 7 as discussed on page 14, lines 11-15 of the substitute specification. This portion of the specification states that there is a "positive and non-positive" (form-fit and frictional) connection between the securing elements 6, 6', and therewith the arms 22, 29. Applicant has reworded the description of this connection in the claims to assist the Examiner in his understanding of the invention.

In connection with the cooperation between the clamping element 7 and the arms 22, 29 with the securing elements 6, 6', it appears that the Examiner has made an error, since the clamping element 7 is not, as suggested by the Examiner, moved horizontally with the help of the actuators 25, 25 and then set down on the pressure plate 23. On the contrary, the clamping element 7 is moved to the correct or desired height of the gliding path 38 with the help of the actuating member 11, and only thereafter for forming the form-fit and frictional connection is moved along the horizontal path on the pressure plates 23, 23' and 37, 37' with

the help of the actuating elements 25, 25', i.e. to be moved horizontally (see the paragraph from page 14 of the substitute specification as amended above). A different sequence of movement, particularly as suggested by the Examiner, namely that the clamping element is first moved horizontally and then set on the pressure plate, would not be mechanically functional.

Due to the horizontal movement of the clamping element 7, the gliding plates 26, 26' connected to the clamping element 7 are pushed under the pressure plates 37, 37'. The Examiner is incorrect in his statement that the gliding plates 26, 26' are part of the clamping element 7. On the contrary, the pushing of the gliding plates 26, 26' under the pressure plates 37, 37' also can take place when the gliding plates 26, 26' are part of the clamping element 7 and the pressure plates 37, 37' are part of the securing element 6', as discussed in the specification.

Finally, the shears 3 with the drive carriage 9 and the rolling table 2 with its drivable part 2' execute a complimentary movement so that always only one of the shears 3 or the drivable part 2' can be in the rolling line at a time. The shears 3 and the drivable part 2' could never be driven into the line simultaneously. As shown in Fig. 3, the clamping element 7 and the

rolling table 2 are offset to each other and do not overlap spatially. It is important to note that the movable part 2' is only moved into the line when the shears 3 are moved out of the line, i.e. when the clamping element 7 does not have a form-fit and frictional connection between the securing elements 6, 6'..

It is respectfully submitted that those skilled in the art would have no difficulty in understanding the invention and all its features based upon the description provided by the specification and drawings. A more detailed description of features is not believed necessary for a thorough understanding of the invention by one skilled in the art.

In view of these considerations it is respectfully submitted that the rejection of claims 1-8 under 35 U.S.C. 112, first paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness cited by the Examiner.

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In view of these considerations it is respectfully submitted that the rejection of claims 1-8 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on December 8, 2005.

By:


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Date: December 8, 2005